THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE K.C.BHANU

–

WRIT PETITION No. 21467 OF 2005

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Dt: 17.10.2005

Between:

K.Chengasubbaiah, Nellore, Nellore District … PETITIONER

AND

The Station House Officer, Pellakuru Police Station

Nellore District and another … RESPONDENTS

THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 21467 OF 2005

ORDER: (per the Hon'ble Smt.Justice T.Meena Kumari)

This is a taken up Writ Petition basing on the Telegram dated 28.09.2005 sent by the petitioner seeking a direction to the respondents to produce his relatives before this Court who were illegally detained by the Police of Pellakuru Police Station, Nellore District since last two days and also to produce his son and two others who were arrested in a motor starter theft case and who moved anticipatory bail application in Crl.M.P.No.1299 of 2005 and set them at liberty forthwith.

Learned Advocate General took notice and filed counter-affidavit of Sub Inspector of Police, Pellakuru Police Station, Nellore District.

It is stated in the counter-affidavit that on 04.10.2005 at 9.00 hours one Yaragala Subbaiah lodged a complaint stating that on 28.08.2005 night some unknown offenders committed theft of one 5 HP Texmo Water Level Submersible Motor worth Rs.10,000/- from his well situated at Pennepalli fields and decamped with the booty. On the basis of the said complaint, a case in Cr.No.50 of 2005 under Section 379 I.P.C was registered by the Pellakur Police Station. Similarly, on the same day, another complaint was also registered being Crime No.52 of 2005 under Section 379 I.P.C, wherein the complainant Dega Madhusudhan Reddy has stated that on 03.09.2005 some unknown offenders committed theft of one 5 HP Aquatex Water level Submersible Motor worth Rs.10,000/- from his well situated at Diguvachavali fields and decamped with the booty. During the course of investigation, on receipt of reliable information, the alleged detenus were arrested on 07.10.2005 at 07.00 hours and one 5 HP Texmo Submersible Motor pertaining to Cr.No.50 of 2005 of Pellakur P.S. and one 5 HP Aquatex Submersible Motor pertaining to Cr.No.52 of 2005 were recovered from their possession under the cover of Mahazarnama in the presence of mediators. The alleged detenus, before the mediators admitted commission of offences in the above said crimes along with one Manobolu Mahendra (A5) and they were produced before the Judicial First Class Magistrate, Sullurpeta on 08.10.2005 and the learned Magistrate remanded them to judicial custody. Pursuant to the remand order, the alleged detenus were lodged in Sub-Jail, Gudur.

It is further stated that the allegation that the alleged detenus were taken into custody by the police two days prior to the issuance of the telegram i.e., on 26.09.2005 is false and since the above crimes were registered on 04.10.2005,

there is no occasion to take them into custody before registration of crimes.

In the circumstances, we do not find that there is illegal detention of the alleged detenus and we see no reason to proceed further in the matter.

The Writ Petition is accordingly dismissed.

(T.MEENA KUMARI, J)

(K.C.BHANU, J)

Dt: 17.10.2005

bsv/lvl